

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed

Rule making related to cooperative interstate shipment program

The Agriculture and Land Stewardship Department hereby amends Chapter 76, “Meat and Poultry Inspection,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 189A.13.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 189A.

Purpose and Summary

The purpose of this rule making is to accomplish the following:

- By the adoption by reference of 9 CFR Part 332, allow the Department to participate in the United States Department of Agriculture’s (USDA) Food Safety and Inspection Service (FSIS) Cooperative Interstate Shipment (CIS) Program.
- Provide opportunity for state-inspected meat and poultry establishments to develop new markets for their products. Under the CIS Program, state-inspected plants continue to operate under state inspection but adhere to federal food safety standards. As a result, they can also distribute their products in interstate commerce.

The CIS Program is available to states that have established a meat and poultry inspection program that is “at least equal to” FSIS’s regulatory requirements. There are 27 states, including Iowa, that have met this standard.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 9, 2019, as **ARC 4697C**. A public hearing was held on October 30, 2019, at 10 a.m. in the second floor conference room of the Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa. During the public hearing, the Department received one comment in support of the rule making from the Iowa Meat Processors Association, and one comment in support of the establishment of the program from a small locker owner who would qualify for the program. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on November 13, 2019.

Fiscal Impact

Anticipated costs are one-time expenditures that include staff training and laboratory equipment purchases to meet federal standards. Federal grant dollars are being utilized for equipment expenditures.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 8, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule 21—76.2(189A) as follows:

21—76.2(189A) Federal Wholesome Meat Act regulations adopted. Part 303, Part 304, Part 305, Part 306, Parts 308 through 320, Part 329, Part 332, Part 412, Part 416, Part 417, Part 418, Part 424, Part 430, Part 431, Part 441 and Part 442 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of July 30, 2018, are hereby adopted in their entirety by reference. Part 307 except Sections 307.5 and 307.6 and Part 325 except Sections 325.3 and 325.12 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of July 30, 2018, are hereby adopted in their entirety by reference. Part 500 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of January 1, 2016, is adopted by reference, except that references in Sections 500.5, 500.6, 500.7, and 500.8 to the federal Uniform Rules of Practice are not adopted.

This rule is intended to implement Iowa Code sections 189A.3 and 189A.7(8).

ITEM 2. Rescind rule 21—76.6(189A) and adopt the following **new** rule in lieu thereof:

21—76.6(189A) Forms and marks. Whenever an official form is designated by federal regulation, the appropriate Iowa form will be substituted, and whenever an official mark is designated, the following official Iowa marks will be substituted:

1. Iowa inspected and condemned brand:

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2. Iowa product label mark of inspection and carcass brand for amenable species:



3. Exotic carcass brand:



4. Exotic product label mark of inspection:



5. Notwithstanding any other provision of this rule, a red meat establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce with the modifications described in 9 CFR Sec. 332.5(c).

- a. Cooperative Interstate Shipment program product label mark of inspection:



b. Cooperative Interstate Shipment program carcass brand. Sizing of brands shall be as described in 9 CFR Sec. 312.2(a), except that the 1¼" brand shall be utilized in lieu of the ¾" brand:



6. Notwithstanding any other provision of this rule, a poultry establishment that is a selected establishment under 9 CFR Part 381, Subpart Z, shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M, for products that are intended for interstate commerce with the modifications described in 9 CFR Sec. 381.515(c). Cooperative Interstate Shipment program poultry product label mark of inspection:



This rule is intended to implement Iowa Code section 189A.5(2).

[Filed 11/13/19, effective 1/8/20]

[Published 12/4/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/4/19.